

Message Text

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42

ACTION L-02

INFO OCT-01 SS-14 ISO-00 AF-04 SCA-01 SCS-01 EB-03 COME-00

INT-01 CIAE-00 INR-11 NSAE-00 RSC-01 PRS-01 OPIC-02

PM-02 NSC-07 SP-01 NSCE-00 DRC-01 IGA-02 /055 W

----- 104347

P 241407Z JUL 74

FM AMEMBASSY NAIROBI

TO SECSTATE WASHDC PRIORITY 8279

INFO AMEMBASSY PARIS PRIORITY

C O N F I D E N T I A L NAIROBI 6225

LIMDIS

PARIS FOR MALONE

E.O. 11652: GDS

TAGS: BDIS, CPRS, KE, US

SUBJECT: SAUL CASE

REF: (A NAIROBI 6052; (B) STATE 157623 (NOTAL)

1. NO FURTHER ATTEMPTS HAVE BEEN MADE BY IMMIGRATION OFFICIALS TO CONTACT MILLER WHO REMAINS IN NAIROBI, ALTHOUGH HE CONTINUES TAKE PRECAUTION OF CONCEALING HIS WHEREABOUTS TO EXTENT POSSIBLE. HE HAS CONTINUED MEET HIS LAWYERS AS WELL AS FOREIGN MINISTER MUNGAI TO DISCUSS EVENTUAL DISPOSITION OF SAUL'S MINING INTERESTS. MILLER HAS ALSO CALLED AT EMBASSY TWICE THIS WEEK AND HAS REPORTED HE DOES NOT APPEAR TO BE UNDER SURVEILLANCE BY KENYAN AUTHORITIES.

2. ON JULY 22 MILLER MET PRIVATELY WITH FOREIGN MINISTER MUNGAI AND TOLD HIM THAT EMBASSY HAD INFORMED HIM OF PLANS TO DELIVER PROTEST NOTE ON SAUL'S EXPULSION. MUNGAI INDICATED NOTE WOULD HAVE NO EFFECT ON CASE AND SAID THAT KENYANS CANNOT BE "DICTATED" TO. CHARTER FOR NEW MINING COMPANY, WHICH WOULD INCLUDE SHARE FOR MUNGAI HAS BEEN DRAWN UP AND MUNGAI REITERATED
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TO MILLER THAT HE WOULD BE CONTACTING OTHER INTERESTED PARTIES

(PRESUMABLY INCLUDING KENYATTA AND OTHERS IN STATE HOUSE)
REGARDING THEIR PARTICIPATION IN NEW COMPANY. COMPANY HAS NOT
AS YET BEEN REGISTERED AND MILLER HAS NOT SIGNED OVER ANY ASSETS,
ALTHOUGH HE IS IN POSSESSION OF SAUL'S POWER OF ATTORNEY.

3. ACCORDING TO MILLER, MUNGAI CAUTIONED HIM NOT TO SEEK LEGAL
INJUNCTION AGAINST CRITICOS AS THIS COULD IMPEDE MUNGAI'S
EFFORTS TO ASSIST MILLER AND SAUL BY MAKING PERSON WHOM CRITICOS
REPRESENTS (I.E., PRESIDENT KENYATTA) VERY ANGRY. MUNGAI TOLD
MILLER THAT HE NEED NOT FEAR FURTHER "POACHING" AT MINE SITE BY
CRITICOS, BUT MILLER HAS NO WAY TO VERIFY WHETHER THIS IS INDEED
CASE WITHOUT VISITING MINE SITE (WHICH HE DOES NOT FEEL WOULD BE
WISE AT PRESENT).

4. SINCE MILLER DID NOT FEEL HIS NEGOTIATIONS OR PERSONAL
STATUS WOULD BE HARMED BY SUBMISSION AT THIS TIME OF PROTEST
AUTHORIZED BY REF B, DCM LINDSTROM DELIVERED NOTE TO FOREIGN
MINISTRY PERMANENT SECRETARY MATHEKA TODAY. (I HAD CONTEMPLATED
DELIVERING IT TO FOREIGN MINISTER MUNGAI, BUT DECIDED HIS HIGH
DEGREE OF PERSONAL INVOLVEMENT IN CASE MIGHT CAUSE NOTE TO GO
"ASTRAY" AND PERHAPS NOT EVEN BECOME MATTER OF OFFICIAL RECORD.)
MATHEKA READ NOTE BUT MADE NO COMMENT OTHER THAN TO SAY HE HAD
NO NEW INFORMATION ON CASE.
MARSHALL

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Disposition Authority: kelleyw0
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